IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1206 OF 2005
IN
SUMMARY SUIT NO.1727 OF 2004

Jitendra Navinchandra Kamdar Plaintiff

versus

Today's Writing Products Ltd. Defendants

Shri Samir Sarambalkar i/by N.N.Vaishnava for plaintiff.

Shri Birendra Saraf with Shri Yogesh Adhia for defendants.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 22nd March 2006

PC :

1. Learned counsel appearing for plaintiff, after arguing the matter for some time, on instructions from the plaintiff, seeks following reliefs.

2. The plaintiff desires that the plaint in this suit be returned to him for presentation to the proper Court. This request is made in the light of the fact that the plaintiff agrees that this

Court has no territorial jurisdiction to entertain and try the, and, therefore, desires at this stage that the plaint be returned to him for presentation to the proper Court.

3. The request of plaintiff's advocate to return the plaint to the plaintiff for presentation to the proper Court, is granted. Plaint is directed to be returned to the plaintiff or his advocate for presentation to the proper Court. However, all contentions of defendants including that the application made lacks bona fides are kept open and it would equally be open for the plaintiff to claim benefit of Section 14 of the Limitation Act. Such contentions of both sides to be decided by appropriate Court at appropriate stage. Chamber Summons disposed of as not pressed.

(S.C.DHARMADHIKARI, J.)